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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,113	10/04/2004	Yoshiaki Shibata	450100-04500	5049

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Frommer Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

EXAMINER

HENN, TIMOTHY J

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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02/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 06 February 2009 have been fully considered but they are not persuasive. Applicant has amended claims 1, 9, 10 and 11 to recite attribute mark data "identifying video scenes included in the video content data". This amendment raises new issues which requires further search and/or consideration.
2. Applicant further argues that the David reference is disqualified under 35 USC 103(a) since the David reference and the present application are subject to assignment to Sony Corporation. However, Applicant has not stated that the reference was commonly assigned at the time of invention. It is further noted that the present application is assigned to "Sony Corporation" while the David reference is assigned to "Sony United Kingdom Limited". Based on the assignment records, it is unclear whether a common assignment has been made, see MPEP 706.02(I). Therefore, the David reference is not believed to be disqualified under 35 USC 103(a) at this time and Applicant's arguments are not found to be persuasive.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 11-7.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy J Henn/
Primary Examiner, Art Unit 2622